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EXAMINER

ZHOU, TING

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/911,017

Filing Date: July 20, 2001

Appellant(s): HANES, DAVID H.

James L. Baudino
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 17 March 2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appeal brief filed by the applicant on 17 March 2005 failed to include a section reciting the issues. However, the issues presented by the applicant's arguments are whether claims 1-20 are patentable over 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,137,544 issued to Dimitrova et al.

(7) *Grouping of Claims*

The rejection of claims 1-20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,137,544 Dimitrova et al. 10-2000

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent 6,137,544 issued to Dimitrova et al. (hereinafter “Dimitrova”). This rejection is set forth in a prior Office Action, mailed on 24 September 2004.

(11) *Response to Argument*

The applicant asserts that Dimitrova does not teach or suggest “storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity”, as recited in the independent claims of the applicant’s invention. The examiner respectfully disagrees.

The application, as presently claimed, recites a method and system that identifies scene candidates from received video data, formats the scene candidates for storage on a optical storage media and stores the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity.

Similarly, Dimitrova teaches a method and system that receive video content, identify/detect and select significant scenes and representative keyframes from the received video content, format the significant scenes and keyframes by extracting and filtering the keyframes to create a visual index (column 2, lines 50-65). The created visual index of formatted scenes is created on, i.e. stored on an optical storage media such a pre-existing tape, file, DVD, disks, etc. in a predetermined portion at a selected area of the tape. The visual index is created on a portion of the tape specifically allocated for storing the visual index and therefore does not reduce the recordable capacity of the tape (column 2, lines 35-45). The applicant submits that ‘in the video tape examples described by Dimitrova, the “selected area on the tape” for the visual index of Dimitrova comprises at least a portion of the recordable capacity of such tape.’ The examiner respectfully disagrees. Dimitrova explicitly states, on column 2, lines 42-45, that “the selected area for the visual index may occur anywhere in the file, and may be reserved by a system automatically”. In other words, a portion or area of the tape may be automatically reserved by the system for storing a visual index instead of being used for recording.

The applicant submits that ‘Dimitrova is silent as to how a visual index taught by Dimitrova would be created or stored on a DVD “without reducing the recordable capacity” of such DVD’ . However, there is no explanation in the recitation of the independent claims of

how the formatted scene candidates are stored on the optical storage media without reducing the recordable capacity. As described in the specification of the application on page 10, lines 25-28 and further shown in Figure 3, the optical storage media “includes an area allocated to store additional information that maybe used for interchange between data interchange parties that does not reduce the recordable capacity”. Therefore, there is an area on the optical storage set aside to be used for storing formatted information instead of being used as part of the recording capacity. In the Dimitrova reference, it is disclosed that the visual index created by formatting the video content via extracting and filtering keyframes may be created on a pre-existing tape or while a tape is recording (Dimitrova: column 2, lines 37-65). Dimitrova further teaches that the visual index is created on a selected predetermined portion of the tape (Dimitrova: column 2, lines 37-45). Therefore, the optical storage media, such as the tape, DVD, etc. of Dimitrova is partitioned so that a selected structure, or area, on the tape is used for storing the formatted video content, represented by the visual index, instead of being used for recording information. Since the visual index is only stored in this predetermined portion set aside for storing such information, it does not use the other portions of the tape and thus the recording capacity of the tape is not compromised. Although there are no specific limitations in the independent claims describing how formatted information is stored on the optical media structure without reducing the recordable capacity, the method of setting aside a predetermined area on the tape to be used for storing the visual index taught by Dimitrova is similar to the method of allocating an area for storing additional information, described in the specification of the application.

The applicant asserts that the portion of the video tape on which the visual index of Dimitrova is placed presumably comprises a portion of the recordable capacity of such tape. The

examiner respectfully submits that the applicant's presumptions are misplaced. In the example given by the applicant on page 6 of the appeal brief, the applicant states that the tape of Dimitrova has a finite recording capacity of "X"; if the user of the Dimitrova system does not wish to have a visual index made, then the recording capacity of the tape of Dimitrova is still "X"; however, if the user does wish to have a visual index made, the teaching of Dimitrova requires that the visual index (using storage capacity of "Y") be recorded onto a recordable portion of the tape, thereby limiting the user to a recording capacity of "X-Y"; therefore, the applicant deduces that Dimitrova effectively reduces the recordable capacity of the tape. The examiner respectfully disagrees. As mentioned above, Dimitrova explicitly states, on column 2, lines 42-45, that "the selected area for the visual index may occur anywhere in the file, and may be reserved by a system automatically". Therefore, since the system automatically allocates, or reserves a portion of the tape for storing the visual index, that portion of the tape is not part of the recordable capacity, but rather a part of the tape that is set aside specifically for storing media information, i.e. the visual index. In the context of the applicant's example, since the system automatically allocates a portion of the tape, "Y" for the sake of congruity, for storing/creating the visual index, , the total recordable capacity of the tape is "X-Y"; if the user wishes to have a visual index made, then the index will be made on "Y" and the recordable capacity of the tape will be "X-Y"; if the user does not wish to have the index made, because the system has already automatically reserved a portion of the tape, namely "Y", for storing the visual index, "Y" is not part of the recordable capacity of the tape, meaning that the recordable capacity of the tape is still "X-Y"; since regardless of whether the user wishes to have a visual index made, the recordable

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capacity of the tape remains "X-Y", storing the visual index on "Y" does not reduce the recordable capacity, exactly as the applicant's claimed invention accomplishes.

Independent claims 7 and 14 are analogous to independent claim 1 and are similarly rejected. Claims 2-6, 8-13 and 15-20 depend upon independent claims 1, 7 and 14 and are anticipated by Dimitrova as well.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ting Zhou

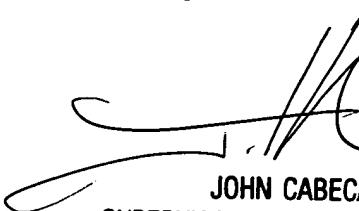


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May 13, 2005

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